

REMARKS

The Applicants would like to thank the Examiner for allowing claims 7 and 8 and indicating the allowability of claims 17-18, 20, 26-27 and 30. Claims 1-21 and 26-32 are pending, with claims 1, 2, 7, 9, 11, 15, 31 and 32 being independent.

The Examiner indicated that the Information Disclosure Statement filed on August 12, 2004 has not been entered for failing to "include a concise explanation of the relevance...of each patent listed that is not in the English language." Applicants submit that the reference cited in the Information Disclosure Statement was submitted in English in compliance with 37 C.F.R. § 1.98(a)(3). Applicants provide herewith a courtesy copy of the reference in English with this Response.

Claims 1-6, 9-16, 19, 21, 28-29 and 31-32 have been rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over, Aloisio Jr. *et al.* Respectfully, Applicants reiterate their arguments from the previous two Office Actions. Specifically, in response to the Office Action of August 13, 2003 where the Examiner asserted that example formulation D of Aloisio anticipated the claims, Applicants amended the claims and argued that formulation D did not teach a modulus of 1.2 MPa or less. In response to the Office Action dated March 15, 2004 where the Examiner asserted that example formulation C of Aloisio anticipated the claims, Applicants amended the claims and argued that formulation C of Aloisio includes a chain transfer agent, while the present invention does not. With regard to the Examiner's inherency assertion that the properties of Applicants' claims are inherent or otherwise taught throughout the disclosure of Aloisio, Applicants hereby direct the Examiner to *In re Arkeley*, 455 F.2d 586, 587 (C.C.P.A. 1972), where the court noted that:

[T]he reference must clearly and unequivocally disclose the claimed compound or direct those skilled in the art to the compound without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.

Applicants respectfully submit that Aloisio does not clearly and unequivocally teach or suggest a specific formulation, or technique for obtaining a formulation, that in the

absence of a chain transfer agent results in a primary coating having a modulus of 1.2 MPa or less.

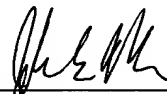
Indeed in teaching away from Applicants discovery, Aloisio teaches the necessity of using a chain transfer agent in combination with other very specific techniques to reach a modulus of less than 1.2 MPa in Examples A-D. For at least these reasons, the claims are patentable over Aloisio. Applicants respectfully request reconsideration and withdrawal of this rejection.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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Attachment: Courtesy copy of 8/12/04 reference